

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JUAN JOSE REYNOSO,	§	
Petitioner,	§	
	§	
V.	§	4:09 – CV – 2103
	§	
NATHANIEL QUARTERMAN	§	Misc. 08-415
Director, Texas Department of	§	
Criminal Justice, Correctional	§	
Institutions Divisions,	§	
Respondent.	§	

**UNOPPOSED MOTION FOR A SCHEDULING ORDER**

TO THE HONORABLE LYNN N. HUGHES, U.S. DISTRICT JUDGE:

PETITIONER, JUAN JOSE REYNOSO, asks this Court to enter a Scheduling Order allowing 120 days from July 2, 2009, in which to file an Amended Petition for a Writ of Habeas Corpus. Counsel for the Respondent is unopposed to this request.

The statute of limitations for seeking federal habeas corpus relief in this case will expire on July 2, 2009. Mr. Reynoso is now filing his original petition. Pursuant to 28 U.S.C. § 2242 and Rule 15(a)(1)(A) of the Federal Rules of Civil Procedure, Mr. Reynoso may amend his petition once as a matter of course before being served with a responsive pleading. Although undersigned counsel has worked diligently since his appointment in this matter, counsel anticipates that he will need to file an amended petition.

In preparing Mr. Reynoso's petition for a writ of habeas corpus, counsel has encountered impediments beyond his control which have slowed the course of counsel's work. These include unanticipated difficulties obtaining records and exhibits,

interviewing potential witnesses and collecting their affidavits, putting together the extensive and complex record of previous proceedings, and conflicts with the needs of other clients.

Counsel is mindful of the Respondent's interest in the finality of these proceedings – and Respondent's consent to the proposed schedule indicates that he does not consider this request to be an intrusion into his interests. Counsel is also aware that these proceedings will likely be Mr. Reynoso's sole opportunity for federal review of his conviction and death sentence. In order to discharge counsel's obligation to ensure that Mr. Reynoso receives a full and fair presentation of his case to this Court, counsel requires additional time. Thus, Petitioner respectfully requests that this Court grant this unopposed request for a scheduling allowing 120 days in which to amend Mr. Reynoso's petition for a writ of habeas corpus.

Mr. Reynoso's counsel conferenced this motion with Respondent Quarterman's counsel, Texas Assistant Attorney General Fredericka S. Sargent, on June 22, 2009. The Respondent has no objection to Petitioner's proposed schedule for amending the petition.

WHEREFORE, for the foregoing reasons, Petitioner Juan Jose Reynoso requests that the Court enter a scheduling order authorizing the amendment of his original petition within 120 days of the statutory filing date of the original petition, on or before October 30, 2009. A proposed order is attached for the Court's consideration.

Respectfully submitted,

/S/ Edward A. Mallett

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Attorney for Petitioner, Juan Reynoso

CERTIFICATE OF CONFERENCE

I spoke with Texas Assistant Attorney General Fredericka S. Sargent, attorney for Respondent, on June 22, 2009, and Respondent is not opposed to this Motion.

/S/ Edward A. Mallett

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Edward A. Mallett

CERTIFICATE OF SERVICE

I do hereby certify that true and correct copy of the foregoing Unopposed Motion for a Scheduling Order was served via electronic mail on this 2<sup>nd</sup> day of July, 2009 to the following:

Ms. Fredericka S. Sargent  
Texas Assistant Attorney General  
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Ms. Laura Grant Berins  
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/S/ Edward A. Mallett

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Edward A. Mallett